

were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 5, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14535. Misbranding of Kopp's. U. S. v. 43½ Dozen Bottles, et al., of Kopp's. Default decrees of condemnation, forfeiture and destruction. (F. & D. Nos. 20475, 20478, 20479, 20480, 20481. S. Nos. E-5504, E-5505, E-5506, E-5508, E-5509.)

On October 16, 1925, the United States attorney for the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 68½ dozen ½ fluidounce bottles, 84½ dozen 1½ fluidounce bottles, and 38½ dozen 4 fluidounce bottles, of Kopp's, in various lots at Albany, Syracuse, Binghamton, Utica and Troy, N. Y., respectively, alleging that the article had been shipped by the Kopp's Baby's Friend Co., from York, Pa., in various consignments between the approximate dates of July 7, 1923, and March 20, 1925, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of morphine sulphate, alcohol, sugar, water, and flavoring and coloring materials.

It was alleged in substance in the libels filed with respect to a portion of the product that the article was labeled, "Kopp's Remedies for Babies and Children Kopp's Baby's Friend 20 c., 40 c., 75 c. Used by thousands of mothers in all parts of the world for Colic, Diarrhoea and Teething," and was misbranded in that the statements were false and fraudulent.

It was alleged in substance in the libel filed with respect to the remainder of the product that it was labeled: (Circular) "Teething. This is usually a trying and critical experience in baby's career. The swollen and congested gums are very painful, and if this pain continues it causes extreme nervousness, the child becomes restless and fretful, there is indigestion which causes either diarrhoea or constipation, vomiting, in many cases, high fever and sometimes convulsions. A Teething Baby is a Nervous Baby and is more likely to contract Colds, Diarrhoea, Cholera Infantum, Whooping Cough, and other baby ailments and is less able to withstand them. In fact, many a case of illness in an infant that in itself could be controlled, when complicated with Teething, becomes a very grave affair. It is therefore very important that teething be made as painless as possible * * * (French) "During dentition use this remedy regularly morning and evening," (German) "In the coming of the teeth it should be taken regularly morning and evening," (Spanish) "During dentition it should be used regularly night and morning," (Italian) "During dentition it is to be given to the little ones morning and evening regularly," (bottle label) "for child 1 week old * * * Dose to be repeated in 2 or 3 hours if necessary to relieve pain," (circular) "Kopp's is manufactured by The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp," (bottle) "Kopp's Alcohol About 8½ Per Cent Sulphate of Morphine ½ Grain Per Ounce, Besides Other Medicinal Ingredients Made By the Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp," (carton, front panel) "Kopp's Alcohol About 8½ Per Cent. Sulphate Of Morphine ½ Grain Per Ounce Besides Other Medicinal Ingredients The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp," (back panel) "Kopp's The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp," (side panel) "Kopp's Made by The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp," and the said article was misbranded in violation of section 8 of the act, paragraph 3 as amended under drugs, in that it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 18 and 19, 1925, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*